

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS

STATE OF IDAHO

In the Matter of the License of:)	
)	Case No. SWO-2007-8
SARA K. DONESLEY,)	
License No. LSCW-815,)	DECISION ON REVIEW
Respondent.)	OF HEARING OFFICER'S
<hr/>)	RECOMMENDED ORDER

PROCEDURAL OVERVIEW

This matter is before the members of the Idaho State Board of Social Work Examiners (herein "Board") for entry of its final order on review of Hearing Officer Jean R. Uranga's Findings of Fact, Conclusions of Law and Recommended Order entered June 4, 2009. On June 18, 2009, Sara K. Donesley (herein "Respondent"), filed a Petition for Reconsideration and supporting affidavit. Following briefing on the subject, on July 8, 2009, the Hearing Officer entered an Order Denying Motion for Reconsideration.

Respondent's Petition For Review and supporting affidavit and materials were filed on July 28, 2009. The State of Idaho filed its Opposition to Respondent's Petition on August 18, 2009.

The matter was submitted to the members of the Board during a conference call meeting conducted September 11, 2009. Prior to the meeting, the members of the Board were provided the record on appeal, including the Hearing Officer's findings of fact, conclusions of law, and recommended order. Following discussion, the Board adopted the findings of fact as set forth by the Hearing Officer in the June 4, 2009 recommended order. The Board, noting that it did not disagree with the hearing officer's

conclusion that a lack of intent to violate the Act does not excuse the violations, adopted the conclusions of law as set forth by the Hearing Officer in the June 4, 2009, recommended order.

FURTHER CONSIDERATIONS

Based on their review of this matter, the members of the Board hereby make the following additional findings and enter the following Order on Review of the Hearing Officer's recommendations.

ADDITIONAL FINDINGS OF FACT

1. Respondent's failure to renew was attributable to a larger pattern of behavior dysfunction which was directly related to the then-undiagnosed brain tumor.
2. Over four years have passed since May 26, 2005, the date on which Respondent failed to renew her license.
3. Respondent has been the subject of no additional formal disciplinary charges since reinstatement of her license on January 19, 2006.
4. The Board has reviewed the record as established before the hearing officer and these additional facts are based on that record.

ORDER ON REVIEW OF HEARING OFFICER'S RECOMMENDATIONS

Based on the Board's adoption of the Hearing Officer's Findings of Fact and Conclusions of Law, and the Board's Additional Findings, it is ORDERED, and this does ORDER, that no order of discipline be entered against Sara K. Donesley, LCSW-815, and that these proceedings are hereby dismissed.

Having dismissed the charges, the members of the Board want to formally express their concern that Respondent or any licensee, would continue to see patients

at a time when the licensee's own health issues were so substantial that the licensee is unable to attend to personal business. The Board takes this opportunity to caution Respondent, and all licensees, that the well-being of the patients must come first and that the licensee must be vigilant and guard against the potential for personal health or other concerns to jeopardize the standard of care that is provided to patients.

DATED this 1st day of October, 2009.

BOARD OF SOCIAL WORK EXAMINERS

By: Cheryl R. Jurgens
Cheryl R. Jurgens
Chair

NOTICE OF APPEAL RIGHTS

This is a Final Order of the agency. Any party may file a motion for reconsideration of this Final Order within fourteen (14) days of the service date of this Order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this Final Order or orders previously issued in this case may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides or operates its principal place of business in Idaho, or
- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this Final Order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

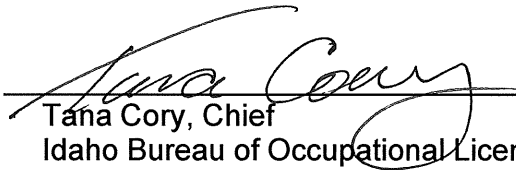
I certify that, on the date set forth below, I caused a true and complete copy of the foregoing FINAL ORDER to be served upon the parties as follows:

Sara K. Donesley
1109 E. State Street
Boise, ID 83712

Emily A. MacMaster
Office of the Attorney General
P. O. Box 83720
Boise, ID 83720-0010

Dated this 15th day of October, 2009.

By: _____


Tana Cory, Chief
Idaho Bureau of Occupational Licensing